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Letter dated 27 July 2012 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you the following information on the coherent liberalization of the judicial system in Uzbekistan.

I would highly appreciate it if you could circulate the attached information as a document of the General Assembly under agenda item 69 (b).

(*Signed*) Murad **Askarov**
Permanent Representative of the Republic of Uzbekistan

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Annex to the letter dated 27 July 2012 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

A gradual liberalization of the judicial and legal system is taking place in Uzbekistan

In the years since independence, profound and qualitative changes have taken place in Uzbekistan's judicial system to ensure that an independent judiciary can dispense justice appropriately and to liberalize the country's criminal legislation. Changes and amendments have been made to criminal, criminal procedural and criminal correctional legislation, primarily to defend human rights, enhance the quality of justice, improve custodial conditions and introduce a reconciliation procedure as a means of administering justice.

A significant part of the ongoing process of liberalizing the legal and judicial system and criminal penalties in the Republic of Uzbekistan has been the steady reduction of the scope of the death penalty. In accordance with its international obligations, the Republic of Uzbekistan has gradually reduced the number of articles of the Criminal Code providing for the death penalty.

Prior to 1998, the Criminal Code contained 13 articles that made provision for the death penalty. As a result of intensive engagement by the State's non-judicial human rights bodies (the National Human Rights Centre of the Republic of Uzbekistan, the Ombudsman and non-governmental organizations), the Parliament of Uzbekistan adopted the law of 29 August 1998 on amendments and additions to certain legislative acts of the Republic of Uzbekistan, which removed provision for the death penalty in relation to five offences in the Criminal Code: gratification of unnatural sexual desires by force; violation of the laws and customs of war; an attempt on the life of the President of the Republic of Uzbekistan; organization of a criminal association; and smuggling. Subsequently, a law of 29 August 2001 established that the death penalty could be imposed for just four offences: premeditated murder under aggravating circumstances, an act of aggression, genocide and terrorism. On 13 December 2003, the death penalty was eliminated from an additional two articles of the Criminal Code, namely those relating to an act of aggression and genocide.

The most significant achievement of the reforms carried out in Uzbekistan to liberalize and humanize the judicial and legal system was the full abolition of the death penalty. On 1 August 2005, a Presidential decree on the abolition of the death penalty in the Republic of Kazakhstan was adopted. It provided for the abolition of the death penalty as a form of criminal punishment as of 1 January 2008. No convicted person has had their death sentence carried out since the date of issuance of the decree, that is, there has been a de facto moratorium on the execution of judicial decisions involving the death penalty.

On 11 July 2007, the Parliament of Uzbekistan adopted the law on amendments and additions to certain legislative acts of the Republic of Uzbekistan in connection with the abolition of the death penalty and on 10 December 2008 it

ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights.

The death penalty was commuted to a life sentence or a long term of imprisonment, which may not be imposed on women, minors or persons over 60 years of age. A life sentence is imposed only for premeditated murder under aggravating circumstances or for an act of terrorism involving the death of a person or other serious consequences.

A life sentence is a time-tested legal mechanism for ensuring that especially serious crimes receive a severe but just punishment and that accountability is inevitable. In the case of a life sentence, the statute of limitations does not apply to criminal liability or to the penalty. Conditional release is also not possible for those sentenced to life imprisonment or to a long term of imprisonment.

The concept of a long term of imprisonment and a rule defining its limits have been introduced into the Criminal Code. In particular, the legislation specifies that imprisonment for a period of more than 20 years, but no more than 25 years, constitutes a long term of imprisonment and is imposed only for premeditated murder under aggravating circumstances or an act of terrorism causing the death of a person or other serious consequences.

The Criminal Code provides for the possibility of pardoning a person sentenced to life imprisonment. The law defines the criteria for granting or not granting a pardon to those convicted to life imprisonment or a long term of imprisonment, which fully reflects the basic principles of the 1995 United Nations recommendations concerning life imprisonment. Accordingly, the law on amendments and additions to certain legislative acts of the Republic of Uzbekistan in connection with the abolition of the death penalty provides that a person sentenced to life imprisonment may apply for a pardon after actually serving 25 years, or after 20 years for persons sentenced to a long term of imprisonment.

It should be noted that the aforementioned legal rules exclude the possibility of the convicted person's arbitrary release from accountability or of abuse of discretion in that area. These rules and mechanisms also provide a motivation for convicted persons to reform themselves and leaves them the hope of returning to a normal life after their release.

Great importance is attached to the study of foreign experience with the imposition of life sentences. International organizations are providing support for a study of experience with persons serving life sentences in countries such as the United Kingdom, Germany, Finland, Poland, the Czech Republic, Slovakia, Latvia and others.